P.R. No. 121/06
Presented by Amit Sharma
on 9/1/06

(3) (1)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

Single Bench

WRIT PETITION No. 126 OF 2006

PETITIONER:- Laxmi Prasad Tamrakar, son of Shrikrishna Tamrakar, aged about 51 years, resident of M.I.G-15 C-1 colony, Subhash Nagar, Korba(C.G)

Vs.

RESPONDENTS:-

1. State of Chhattisgarh: through Secretary, P.W.D. Department, Secretariat, D.K.Bhawan, Raipur (C.G)

2. Engineer-in-Chief, P.W.D. Department, D.K.Bhawan, Raipur.

3. Chief Engineer, P.W.D.Department, Bilaspur.

4. Executive Engineer, P.W.D. Department, P.W.D. colony, Rampur, Korba (C.G).

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WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(43)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION NO.126 OF 2006

Petitioner : Laxmi Prasad Tamrakar

versus

Respondents : State of Chhattisgarh and others

Present : Dr. Shailesh Ahuja, counsel for the petitioner.
Mr. V.V.S.Moorthy, Deputy Advocate General with Ms. Sunita Jain, Panel Lawyer for the respondents/State.

ORDER
(Passed on 12th Day of December, 2006)

The petitioner, while working on the post of Sub-Engineer in the Public Works Department, was suspended by order dated 27-8-2005 (Annexure P-4) for serious financial irregularity in contemplation of departmental enquiry. The petitioner was issued a charge-sheet on 28-11-2005 (Annexure P-5), according to the petitioner, 94th day, when, under Rule 9 of the Madhya Pradesh/Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966, the charge-sheet has to be issued within a period of 90 days.

2. The petitioner has filed this petition seeking quashing of the suspension order dated 27-8-2005 (Annexure P-4) on the ground that the charge-sheet was issued with 4 days' delay from the prescribed period.

2 (44)

3. The delay of 4 days may not be fatal or may not prejudice the case of the petitioner at this stage. The petitioner is at liberty to raise this objection in the departmental enquiry, if so advised.

4. Thus, the suspension order cannot be quashed on the ground of 4 days' delay.

5. Learned counsel appearing for the petitioner further submits that the respondents – authorities may do well in completing the enquiry expeditiously.

6. The petition is accordingly disposed of with the above-stated observation.

Sd/-
S.K. Agnihotri
Judge

Gopal